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In Propria Persona

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Paul Hupp,

Plaintiff,

v.

Vicki Kurpinsky, A.K.A. Vicki Castellanos,
Debra Murphy Lawson,
Djinna M. Gochis,
Roes 1-25
Individually and in their official capacity as
State Bar of California employees, Jointly,
Jointly and Severally,
Defendants.

Case No.: 10-cv-00413- UA (RC)

PLAINTIFF PAUL HUPP'S REPLY TO THE
DIS-HONORABLE ROSELYN M.
CHAPMAN'S MARCH 24, 2010 ORDER TO
SHOW CAUSE

I.

Plaintiff Paul Hupp's Reply To The Dis-Honorable Roselyn M. Chapman's March 24, 2010 Order To Show Cause

Plaintiff Paul Hupp ("Plaintiff") hereby files this response to the dis-honorable Roselyn M. Chapman's ("Chapman") Order of March 24, 2010 to show cause.

II.

Background Facts

This case is about as simple a case as one can be which involves due process violations by a state agency, specifically the State Bar of California ("Bar"), but apparently it is too complex for the pea sized brain of Chapman to comprehend or understand, so Plaintiff will try to break it down into baby steps for Chapman.

1 In July 2005 Plaintiff filed a request for an extension of his positive determination of
2 moral character with the Bar. Plaintiff has NO criminal record/convictions of any kind
3 whatsoever, nor any other obstacles that would legitimately prevent him from receiving a
4 positive background clearance. Plaintiff had his original background clearance approved in 2003.

5 After nearly two (2) years of getting jerked around by the Bar Plaintiff told the Bar to
6 start following their written rules for the background check. This included giving written updates
7 as required under the Bar's rules.

8 The Bar denied Plaintiff a positive determination on his character clearly under pretext
9 reasons and Plaintiff appealed that decision to the State Bar Court ("Bar Court") for review.

10 The Bar Court refused to hear ANY portion of the case because Plaintiff did not pay a
11 "filing fee". Plaintiff did not have the money to pay the filing fee and the Bar Court offered no
12 other alternative to have Plaintiff's case reviewed.

13 Courts cannot block due process of law based on inability to pay "filing fees". That is
14 clearly established law going back decades.

15 Plaintiff then filed suit in this court ("Hupp I"), EDCV 07-0620 (RC). Chapman, with her
16 first of many ridiculous and unsupported rulings, claimed that the court did not have "subject
17 matter jurisdiction" because only the California Supreme Court ("CSC") could deny a
18 background clearance. According to Chapman, until the CSC denied Plaintiff's background there
19 were no "damages". Apparently Chapman thinks that blocking access to the courts-and DUE
20 PROCESS OF LAW- does not cause damages. So by Chapman's bizarre line of thought the Bar
21 Court could drag Plaintiff's background clearance out for 20 or 30 years and there would be no
22 damages because the CSC had not actually denied Plaintiff's background clearance. Only the
23 simpleton mind of a progressive surrender monkey could come up with such nonsense. Of course
24 Chapman dismissed this complaint without hearing, without a chance for Plaintiff to counter her
25 preposterous claims, and without a chance to amend. Since Plaintiff had not "petitioned" the

1 CSC, Chapman claimed there were no damages. Plaintiff appealed this decision to the 9th Circuit,
2 who denied the claim. Plaintiff then appealed the denial by the 9th to the United States Supreme
3 Court ("SCOTUS") who denied issuing a writ of certiorari.

4 Plaintiff had his case and his livelihood put on hold for over two (2) years at this point
5 and filed a second claim in this court (("Hupp II"), EDCV 07-0728 (RC)) for willfully and
6 intentionally DELAYING his background (because Plaintiff spoke out about the Bar and their
7 refusal to follow their own rules and due process) for violation of the First Amendment, as well
8 as due process. And once again Chapman made a conclusory and unsupported claim that the case
9 was "frivolous" without ANY supporting statutes, case law or support of any kind whatsoever in
10 dismissing that case, which would become part of a pattern and practice for Chapman.

11 Plaintiff "petitioned" the CSC to clear his background in 2007. The CSC took no action
12 of any kind, including even acknowledging the "petition" itself. Since Chapman had claimed in
13 her original ruling in Hupp I that Plaintiff could bring "all his claims" once the CSC had denied
14 his "petition" there should have been no problem with essentially the same case that was
15 originally filed in 2007 (Hupp I). So Plaintiff yet AGAIN filed in this court to have his case
16 heard (("Hupp III") EDCV-09-1597 UA- (RC)). Of course no one can take anything Chapman
17 says at face value, Chapman's two faced lying runs rampant in her garbage decisions-and that
18 proved to be the case in Hupp III.

19 And once again, true to form, Chapman made another one of her unsupported, conclusory
20 rulings that had no legal authority to back it up whatsoever, just another one of her preposterous
21 and conclusory rulings. In fact Chapman seems to be under the impression that if she says a case
22 does not have "subject matter jurisdiction" then she can just say that and that is the end of the
23 matter. No need for support or authority, if Chapman says it, then it must be true.

24 Chapman does not need to give any reasons why a case does not have "subject matter
25 jurisdiction", after all she is a magistrate judge-and has apparently been relegated to that role for

20+ years. Not a big surprise Chapman has never been promoted to a District Court judgeship- she is lacking common sense and a fully developed legal mind.

And once again Chapman dismissed the complaint without hearing, without a chance for Plaintiff to counter her preposterous claims, and without a chance to amend. Hey, big surprise.

Plaintiff appealed Hupp III to the 9th Circuit and filed a fee waiver within one (1) week of filing his appeal. That fee waiver was either lost in the mail or lost by the 9th Circuit clerk because a request came from the 9th Circuit two (2) months later for Plaintiff to file a fee waiver. Plaintiff filed a second fee waiver, and unbeknown to Plaintiff, the 9th Circuit clerk also seems to have lost the second fee waiver too, but no notice was sent to Plaintiff.

Plaintiff filed his appellate brief and a month later received a letter from the clerk of the 9th Circuit that his case was dismissed for failure to file a fee waiver (or pay the filing fee of \$455- which Plaintiff did not have).

Plaintiff notified the 9th Circuit by two (2) motions that his fee waiver had been filed two (2) times before, and to be safe filed a third fee waiver. Following their pattern (and Chapman's pattern) of providing political cover for the Bar, and violating clearly established Constitutional protections, the 9th Circuit refused to hear Hupp III and **dismissed it without prejudice**.

Now, let's make this very clear so even Chapman can understand the issues. #1) Chapman had no legal authority to block Hupp III from the district court, none whatsoever. Chapman's ruling had no authority backing it up, just more of her conclusory, baloney claims. #2) the 9th Circuit dismissed Hupp III **without prejudice** because they LOST the fee waiver-not on the merits of the case. #3) Hupp III was **NOT dismissed with prejudice**, so it could be refilled at ANYTIME.

Which now brings us to the filing of "Hupp IV", (("Hupp IV") EDCV-10-0413 UA-(RC)), which is no different than the original claim filed more than three (3) years ago-a violation of, among many violations, due process rights. And once again Chapman has made a

1 ruling that is not supported by any facts, statutes or case law whatsoever, just the same old
2 conclusory and unsupported baloney claims Chapman has used in the past.

3 III. 4 Points And Authorities

5 The notion that this case does not have "subject matter jurisdiction" is complete and total
6 bullshit. Chapman knows that, Plaintiff knows that and any 3rd grader would know it.

7 ANY violation of the Constitution gives the federal courts jurisdiction. Last time I
8 checked the due process clause of the 14th Amendment was still valid. Maybe Chapman knows
9 something the rest of the world doesn't know, and if that is the case I would appreciate it if she
10 shared her vast knowledge of the law with the rest of us.

11 Established case law from the United States Supreme Court made this very clear;

12 "A claim of a present right to admission to the bar of a state and a denial of that right is a
13 controversy. **When the claim is made in a state court and a denial of the right is**
14 **made by judicial order, it is a case which may be reviewed under Article III of the**
15 **Constitution when federal questions are raised** and proper steps taken to that end in
16 this Court." See In Re Summers, 325 U.S. 561, 568 (1945). Bold added.

17 The United States Supreme Court ruled on due process requirements as they relate to
18 law licenses more than 48 years ago;

19 "The requirements of **procedural due process must be met before a State can exclude**
20 **a person from the practice of law**". See Willner v. Committee On Character, 373 U.S.
21 96, 102 (1963). Bold added.

22 Well Chapman, why don't you try to explain that case away with your nonsensical legal
23 reasoning. The CSC, under California case law, has also ruled that the practice of law requires
24 FULL due process protections and that:

25 "In any event, opinions of the United States Supreme Court and of our court which
characterize claim for admission to the bar as a claim of right **is entitled to the**
protections of procedural due process." See Hallinan v. CBE, 65 Cal.2d 447 (1966).
Bold added.

Hey Chapman, try to your head out of the Bar's ass long enough to read this case;

IV. Conclusion

Dated this 7th day of April, 2010

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In Propria Persona